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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,284	11/22/2000	Hun Gun Park	YHK-057	2061

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FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

EXAMINER

GEMMELL, ELIZABETH M

ART UNIT PAPER NUMBER

2882

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/717,284

Applicant(s)

PARK, HUN GUN

Examiner

Beth Gemmell

Art Unit

2882

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Receipt is acknowledged of the amendments filed 24 February 2003.

Claim Rejections - 35 USC § 101

Claims 3-9 of this application remain in conflict with claims 1-9 of Application No. 09/721708. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 3-9 remain provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-9 of copending Application No. 09/721708. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Although the applicant recites an intention to abandon co-pending application 09/721,708 (page 9, lines 6+), until such time when this application is indeed abandoned the provisional double patenting rejection remains.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 9,20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Asasno et al. (US Patent 6,353,288; hereinafter Asano).

Asasno discloses, in figure 4 and throughout the disclosure, a plasma display panel, comprising: an upper substrate (1); a protective layer provided at a rear side of the upper substrate (7); and a display region coexisting with a non-display region, wherein the protective layer is provided only on the display region.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuko et al. (US Patent 6,337,028; hereinafter Masuko) in view of Inoue (US Patent 6,275,273).

Re claim 6 and 15: Masuko discloses, in figure 1 and throughout the disclosure, a plasma display panel comprising: a sustaining electrode pair (6a) of a transparent conductive material provided on an upper substrate (1); a plurality of barrier ribs formed on a lower substrate (5) in a direction crossing the sustaining electrode pair; and the use of a black matrix on the display portion (column 1, lines 45+).

Masuko fails to disclose a non-display region provided with black matrices.

Inoue discloses the use of a black matrix on the entire plasma display panel (columns 30-31, lines 67+; column 48, lines 29+), which includes a non-display portion.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the plasma display panel disclosed by Masuko with that of Inoue because by using the black matrix in the non-display portion of the panel the black matrix becomes part of the protective film. Therefore, the overall reliability of the panel is improved (column 31, lines 4+).

Re claims 7,8, and 16-19: Although Masuko is silent regarding the direction of the black matrices, one of ordinary skill in the art at the time the invention was made would have recognized arranging the black matrices both in parallel and perpendicular directions to the barrier ribs because it absorbs the excess light produced from the individual pixels. Therefore, it would produce a shaper image.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asasno in view of Inoue.

Asasno shows all the limitations as seen above.

Asasno fails to disclose black matrices on the substrate.

Inoue discloses the use of black matrices on the upper substrate (columns 30-31, lines 67+; column 48, lines 29+).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the panel disclosed by Asasno with that of Inoue because by using the black matrix on the panel, it becomes part of the protective film, thereby improving the overall reliability of the panel (column 31, lines 4+).

Allowable Subject Matter

Should the double patenting rejection be overcome, claims 3-5 and 10-14 would be allowable.

The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record teaches a conventional plasma display panel, however they fail to teach or suggest a plurality of barrier ribs, wherein a first portion of the plurality of barrier ribs are disposed substantially in a display region of the plasma display panel except for end portions thereof and a second portion of the barrier ribs are disposed partially in a non-display region of the plasma display panel along a length thereof, and wherein a width of the first portion of barrier ribs is different than a width of the second portion of barrier ribs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Gemmell whose telephone number is (703) 305-1937. The examiner can normally be reached on Monday-Thursday 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



emg
May 12, 2003


PETER H. HALL
SUPERVISOR
TECHNOLOGY CENTER 2000